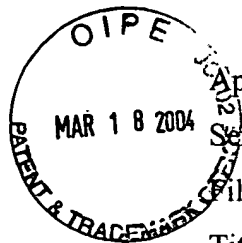


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Applicant: Gary A. Pozarnksy, et al. Examiner: Duane Smith  
Serial No. 10/026,493 Group Art Unit: 1724  
Filed: December 20, 2001 Docket No. 496.014US1  
Title: A PROCESS FOR THE MANUFACTURE OF NANOPARTICLE  
ORGANIC PIGMENTS

**RECEIVED**

MAR 22 2004

**MAIL STOP: PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**OFFICE OF PETITIONS**

**PETITION TO REVIVE AN UNAVOIDABLY ABANDONED APPLICATION**  
**UNDER 37 C.F.R. 1.137(a)**

Dear Sir/Madam:

**FACTUAL BACKGROUND**

1) An *Ex Parte* Quayle Office Action was mailed by the U.S. Patent and Trademark Office on April 28, 2003, with a due date for response identified on the Action as 2 months from the date of mailing or June 28, 2003, and docketed as such in the Attorneys for Applicants docketing system.

2) Attorney for Applicant signed the transmittal documents for the Amendment and Response to *Ex Parte* Quayle Office Action, Petition for Request for 1-month Extension of Time, and Fax Coversheet, submitted the formal documents with a transmittal sheet to the Examiner, authorized payment of the any fees in a separate document, and included a Fax Coversheet identifying all of these documents (copies enclosed).

3) All documents described in paragraph 2) above were faxed to the designated Fax number on the *Ex Parte* Quayle Office Action with a transmission date of July 28, 2003.

4) The Fax Confirmation sheet showed all documents described in paragraph 2) above were successfully submitted to the U.S. Patent and Trademark Office on July 28, 2003, indicating the fax number it was sent to and that all pages were received (copy enclosed).

5) On November 28, 2003, the U.S. Patent and Trademark Office mailed a Notice of Abandonment on the Application, indicating that Applicant failed to timely respond to the *Ex Parte* Quayle Office Action.

6) As the documents included with this Petition clearly shows that all formalities for Response to the Office Action were timely performed by Attorney for Applicants and timely received by the U.S. Patent and Trademark Office, the Abandonment of this Application is clearly in error, was inadvertent and/or unintentional, **and was the result of error on the part of the U.S. Patent and Trademark Office, with no error or responsibility by Applicants or their counsel.**

7) Applicants, through their Attorney of Record, hereby petition to have the Application revived, and to have the Abandonment withdrawn.

8) **There should be no fee imposed upon Applicants as the cause of the abandonment was without any fault on the part of Applicants or their Attorney of Record.**

**IF ANY FEE IS DEEMED NECESSARY, APPLICANTS HEREBY AUTHORIZE SUCH FEE TO BE DEBITED AGAINST ATTORNEY'S DEPOSIT ACCOUNT NO. 50-1391.**

The other requirement that is necessary in combination with the petition in this Application under the guidelines of 37 C.F.R. 1.37(b) constitutes the response of the Office Action, which was timely done as shown by the enclosed documents, a copy of which in its entirety is included herein. All requirements for immediate grant of the Petition have been completed at this time, and all substantive bases for this petition have been submitted. The Petition should be granted and the Application should be urgently revived.

Applicants hereby petition to revive the application due to the fact that the delay in filing response to the Office Action causing by the abandonment of the application was unintentional and/or inadvertent, and was the sole responsibility of the U.S. Patent and Trademark Office.

The contact person is invited to telephone Applicant's attorney (952) 832-9090 if necessary. **If necessary please charge any additional fees to Deposit Account No. 50-1391 for the petition for revive unintentional abandonment under 37 CFR 1.137(b).**

Respectfully submitted,

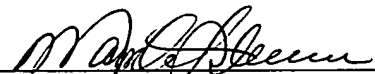
GARY A. POZARNSKY, et al.

By Their Representatives,

Mark A. Litman & Associates, P.A.  
York Business Center, Suite 205  
3209 West 76<sup>th</sup> Street  
Edina, MN 55435  
(952) 832-9090

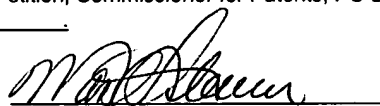
Date: March 15, 2004

By

  
Mark A. Litman  
Reg. No. 26,390  
(952) 932-9090

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 15 March 2004.

Mark A. Litman  
Name

  
Signature

COPY

